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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 2nd May, 1995:—

BILL No. XXIII OF 1995

A Bill further to amend the Maternity Benefit Act, 1961.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maternity Benefit (Amendment) Act, 1995.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

53 of 1961.

2. In section 3 of the Maternity Benefit Act, 1961 (hereinafter referred to as the principal Act), after clause (h), the following clause shall be inserted, namely:—

Amendment of section 3.

34 of 1971.

“(ha) “medical termination of pregnancy” means the termination of pregnancy permissible under the provisions of the Medical Termination of Pregnancy Act, 1971.”

3. In section 4 of the principal Act,—

Amendment of section 4.

(a) in sub-section (1), for the words “or her miscarriage” the words, “miscarriage or medical termination of pregnancy” shall be substituted.

(b) in sub-section (2), for the words "or her miscarriage", the words "miscarriage or medical termination of pregnancy" shall be substituted;

Substitution
of new
section
9.

4. For section 9 of the principal Act, the following section shall be substituted, namely:—

Leave
for mis-
carriage
etc.

"9. In case of miscarriage or medical termination of pregnancy, a woman shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the day of her miscarriage or, as the case may be, her medical termination of pregnancy."

Insertion
of new
section
9A.

5. After section 9 of the principal Act, the following section shall be inserted, namely:—

Leave
with
wages
for
tubectomy
operation.

"9A. In case of tubectomy operation, a woman shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of maternity benefit for a period of two weeks immediately following the day of her tubectomy operation."

Amend-
ment of
section
section
10.

6. In section 10 of the principal Act, for the words "or miscarriage", the words "miscarriage, medical termination of pregnancy or tubectomy operation" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Maternity Benefit Act, 1961 regulates employment of women before and after child birth and provides for maternity and certain other benefits.

2. In order to motivate women employees to undertake family welfare measures, the Ministry of Health and Family Welfare had made certain recommendations for amendment of the Act. Keeping their recommendations in view, it is proposed to amend the said Act to provide for—

(i) grant of six weeks' leave with wages in the case of medical termination of pregnancy;

(ii) grant of two weeks' leave with wages to the women employees who undergo tubectomy operation;

(iii) grant of leave with wages for a maximum period of one month in the case of illness arising out of medical termination of pregnancy or tubectomy;

3. The Bill mainly seeks to achieve the above-mentioned objects.

PURNO A. SANGMA.

FINANCIAL MEMORANDUM

The Maternity Benefit Act, 1961 is applicable to factories, mines, plantations, shops and certain other establishments including those belonging to the Government.

2. Clause 4 of the Bill seeks to provide for grant of six weeks' leave with wages in the case of medical termination of pregnancy. Clause 5 of the Bill seeks to provide for grant of leave with average daily wages for a period of two weeks to the woman who undergoes tubectomy operation. Clause 6 of the Bill seeks to provide for grant of leave up to one month to the woman who suffers from illness arising out of Medical termination of pregnancy or tubectomy. The enforcement of these clauses will involve certain expenditure on the establishments covered by way of payment of said benefits to their women employees.

3. Women Government servants are generally entitled to maternity, pre-natal and post-natal medical care and leave benefits for medical termination of pregnancy/tubectomy under the Government rules. The proposed provisions, therefore, may not involve any additional expenditure to the Government. There could, however, be casual or contingent employees who may not be entitled to the paid leave for Medical termination of pregnancy and tubectomy under the Government rules. Such employees would have to be paid leave benefits for Medical termination of pregnancy and tubectomy in accordance with the provisions of the Act which will involve some expenditure from the consolidated Fund of India because of the proposed provisions under clauses 4 to 6. However, as the benefit becomes payable only in the event of Medical termination of pregnancy, tubectomy, etc., it is not possible to estimate in advance the expenditure involved.

4. The Bill does not involve any other expenditure whether of recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks *inter alia* to prescribe by rules, the proof to be produced for entitlement to leave with wages for tubectomy operation. This is a matter of procedure or detail and it is not practicable to provide the same in the Bill itself.

2. The delegation of Legislative power is, therefore, of a normal character.

V. S. RAMA DEVI,
Secretary-General.

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